

TIVERTON CHARTER REVIEW COMMISSION

Regular meeting minutes: January 23, 2008

1: Call to order

Chairman Cecil Leonard called the meeting to order at 7:02 pm at the Tiverton Town Hall.

Members present: Laura Epke, Frank Marshall, Ray Medeiros, Stanley Zeramby, Deb Pallasch, Diane Harris, Bob Koohy Absent: Richard Joslin

2: Approval of minutes

Motion made by B. Koohy, seconded by L. Epke, to approve minutes for Jan. 16, 2008. Motion passed unanimously.

3. Receive comments from invited groups/individuals

Town Solicitor:

Before answering several questions forwarded by the Commission, Mr. Teitz made a general comment that there seems to be a lack of consensus on the type of gov'n't the town wants and perhaps the commission's answer to that question may drive our proposed changes.

Questions forwarded to the Solicitor were as follows (*with respective answers*):

1. Legality of the following proposal - "Collective bargaining contracts (town and school) may not be ratified any sooner than 30 days following the FTM or its alternative".

Not prohibited, but lots of procedural issues that go along with this, especially for 3-yr contracts.

2. Legality of the following proposal - "Require by charter that bond issue payments may not be excluded from the calculation of the maximum tax increase, as currently allowed by state if payment exceeds allowable percentage increase."

Can put an extra independent restriction on bond payments in charter

3. Any conflicts or clarification needed in section 1210(a) of the current charter relating to termination, suspension, etc

Yes, does the last sentence in 1210(a) mean pre or post termination. And If want to give everyone right to appeal then should clearly state that in charter – right to appeal with representation of attorney and right to present witnesses, etc.

4. Legal implications to making suggested changes to section 1004 of the charter, which would more clearly define open space and acknowledge and provide legal standing for the stewardship currently done by volunteers who are not commission members.

Proposed change does not change the status as far as legal protection. Solicitor's opinion that protection already exists for accidents, etc.

5. If Personnel Board “facilitates” the checking of references through other town bodies (such as police) do we run into any issues with confidentiality, etc?

No and change would still mean Personnel Board ultimately responsible for check.

6. Ballot language

Exact language must be available but can summarize by referencing exact sections for ballot question. Any new committee would be a separate question.

7. Procedure to dissolve or change form of an existing elected body.

Mr. Teitz to investigate.

8. Can a contingency clause be added to contracts to say in years 2 and 3 will be contingent on funding at FTM or alternative?

Yes, on the municipal side only. Can't require of School Committee due to autonomous standing given them by law.

Effectively giving one-year contracts, which may limit your ability to attract applicants.

9. Can each elected body approve own budget?

No, must be one municipal budget approved in total.

10. Abolishing appointed body

Appointed body can be abolished if not set forth by law with no transition needed.

Other areas Mr. Teitz felt needed review were:

1. Sect 104 – Add “with the States of RI and MA subdivisions” to clarify Intergovernmental intent.
2. Sect 306 – Suggested if keep FTM have smaller quorum
3. Sect 307(a) – In his opinion, charter supercedes state law. But to clarify language can either make consistent with state law or leave as is and add wording “notwithstanding RIGL #XX)
4. Sect. 404 – Clarify who is responsible for setting agenda for TC meetings.
5. Sect 504/505/1213 – Dual office holdings, sections currently conflict one another. Make consistent. Consider “temporary vs. permanent” language.
6. Sect. 1211 – A lot of authority given to Town Clerk and then to municipal court. Clear up intent and responsibility.

4. Public Input

None

5. Publicity

None.

6. Preliminary Commission discussion re: input for proposed changes

Chris Cotta: Budget Committee Chairman

Addressed the “Budget Committee Analysis” which was discussed at the Commission’s prior meeting. In summary, Mr. Cotta felt that the budge committee as currently tasked was an important component of providing accurate and appropriate information, as well as ensuring the docket is representative of the needs of Tiverton. The following were added to the “keep” column of the analysis based upon Mr. Cotta’s discussion:

1. The BC serves as arbitrator/moderator,
2. Provides for a planning aspect, especially given the institutional knowledge of the BC members.

Bob Vermette: Former BC member

Spoke to “Continuous Budget Cycle. Please see attached.

John Daponte: Current BC member

Please see attached.

Dave Perry: Current BC member, prior Personnel Board member

Mr. Perry commented that in his opinion adding a contingency clause to the 2nd/3rd years of contracts would have a detrimental impact on Tiverton's ability to attract candidates for open positions ("people are not knocking the doors down now").

Would be in favor of later FTM (concurrence by other BC members present). Suggestions were from Jun15th to as late as Aug. 15th.

7. Other Business

None.

8. Adjournment

The Commission's January 23, 2008 regular meeting was adjourned at 9:45 pm.

Minutes recorded and compiled by Deborah Pallasch, Secretary.